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Amendments to the Claims

This listing of claims replaces all prior versions and listings of claims in the application:

Listing of Claims:

1.   (Currently Amended) A method for communicating, the method comprising:

graphically representing, with an avatar capable of being animated, a first user in a communication session involving the first user and a second user;

communicating a message between the first user and the second user, the message conveying explicit information from the first user to the second user;

receiving, independently of the first user and the message, out-of-band information indicating a context of the first user; and

communicating, based on stored data associations independently of the first user and the second user, the out-of-band information to the second user by changing an animation of the avatar representing the first user to graphically convey the context of the first user indicated by the received out-of-band information,

wherein the out-of-band communication differs from the information conveyed in the message sent between the first user and the second user.

2.   (Original) The method of claim 1 wherein the communication session is an instant messaging communication session.

3.   (Original) The method of claim 1 wherein the avatar comprises a facial animation that does not include a body having an ear or a leg.

4.   (Original) The method of claim 1 wherein the avatar comprises a facial animation, including a neck, that does not include a body having an ear or a leg.

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5.   (Original) The method of claim 1 wherein the out-of-band information comprises information indicating an environmental condition associated with the first user.

6.   (Original) The method of claim 5 wherein the environmental condition comprises an environmental condition related to weather occurring in a geographic location near the first user.

7.   (Currently Amended) The method of claim 1 wherein ~~the out-of-band information comprises~~ receiving, independently of the first user and the message, out-of-band information indicating a context of the first user comprises receiving, independently of the first user and the message, information indicating a personality characteristic associated with the first user, and

communicating, independently of the first user and the second user, the out-of-band information to the second user by changing an animation of the avatar representing the first user to graphically convey the context of the first user indicated by the received out-of-band information comprises changing an appearance of the avatar to reflect the personality characteristic associated with the first user in order to graphically convey the personality characteristic associated with the first user.

8.   (Currently Amended) The method of claim 1 wherein ~~the out-of-band information comprises~~ receiving, independently of the first user and the message, out-of-band information indicating a context of the first user comprises receiving, independently of the first user and the message, information indicating an emotional state associated with the first user, and

communicating, independently of the first user and the second user, the out-of-band information to the second user by changing an animation of the avatar representing the first user to graphically convey the context of the first user indicated by the received out-of-band information comprises changing an appearance of the avatar to reflect the emotional state associated with the first user in order to graphically convey the emotional state associated with the first user.

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9.   (Original) The method of claim 1 wherein the out-of-band information comprises information indicating a setting characteristic associated with the first user.

10.   (Original) The method of claim 9 wherein the setting characteristic comprises a characteristic related to time of day of the first user.

11.   (Original) The method of claim 9 wherein the setting characteristic comprises a characteristic related to time of year.

12.   (Original) The method of claim 11 wherein the time of year comprises a holiday.

13.   (Original) The method of claim 11 wherein the time of year comprises a season wherein the season is one of spring, summer, fall or winter.

14.   (Original) The method of claim 9 wherein the setting characteristic comprises a characteristic associated with a work setting.

15.   (Original) The method of claim 9 wherein the setting characteristic comprises a characteristic associated with a recreation setting.

16.   (Original) The method of claim 15 wherein the recreation setting comprises a beach setting or a tropical setting.

17.   (Original) The method of claim 15 wherein the recreation setting comprises a winter sport setting.

18.   (Currently Amended) The method of claim 1 wherein ~~out-of-band information comprises~~ receiving, independently of the first user and the message, out-of-band information indicating a context of the first user comprises receiving, independently of the first user and the message, information related to a mood of the first user, and

communicating, independently of the first user and the second user, the out-of-band information to the second user by changing an animation of the avatar representing the first user to graphically convey the context of the first user indicated by the received out-of-band information comprises changing an appearance of the avatar to reflect the mood of the first user in order to graphically convey the mood of the first user.

19.   (Currently Amended) The method of claim 18 wherein:

the mood of the first user comprises one of happy, sad or angry, and

communicating, independently of the first user and the second user, the out-of-band information to the second user by changing an animation of the avatar representing the first user to graphically convey the context of the first user indicated by the received out-of-band information comprises changing an appearance of the avatar to reflect one of a happy, sad, or angry mood in order to graphically convey that the first user is one of happy, sad or angry.

20.   (Currently Amended) The method of claim 1 wherein: out-of-band information comprises

receiving, independently of the first user and the message, out-of-band information indicating a context of the first user comprises receiving, independently of the first user and the message, information associated with an activity of the first user, and

communicating, independently of the first user and the second user, the out-of-band information to the second user by changing an animation of the avatar representing the first user to graphically convey the context of the first user indicated by the received out-of-band information comprises changing an appearance of the avatar to reflect the activity of the first user in order to graphically convey the activity of the first user.

21.   (Original) The method of claim 20, wherein the activity is being performed by the first user at substantially the same time that the out-of-band message is communicated from the first user to the second user.

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22. (Original) The method of claim 21 wherein the activity comprises one of working or listening to music.

23. (Original) The method of claim 5 wherein out-of-band information comprises information conveying that the first user has muted sounds associated with the avatar.

24. (Original) The method of claim 1 further comprising triggering, based on the information conveyed in the message from the first user to the second user, an animation of the avatar to convey the out-of-band information from the first user to the second user.

25. (Original) The method of claim 24 wherein the trigger comprises a portion of text.

26. (Original) The method of claim 24 wherein the trigger comprises all of the text of the message.

27. (Original) The method of claim 24 wherein the trigger comprises an audio portion of the message.

28. (Original) The method of claim 24 wherein the trigger comprises passing a predetermined amount of time during which the first user does not communicate a message to the second user.

29. (Original) The method of claim 24 wherein the trigger comprises passing a predetermined amount of time during which the first user does not use a computing device that is used by the first user to communicate with the second user in the communication session.

30. (Currently Amended) The method of claim 1 wherein ~~the avatar animation that graphically conveys the context of the first user comprises~~ communicating, independently of the first user and the second user, the out-of-band information to the second user by changing an animation of the avatar representing the first user comprises communicating, independently of

the first user and the second user, the out-of-band information to the second user by modifying a facial expression of the avatar.

31.   (Currently Amended) The method of claim 1 wherein ~~the avatar animation that graphically conveys the context of the first user comprises~~ communicating, independently of the first user and the second user, the out-of-band information to the second user by changing an animation of the avatar representing the first user comprises communicating, independently of the first user and the second user, the out-of-band information to the second user by initiating a gesture made by a hand of the avatar or a gesture made by an arm of the avatar.

32.   (Currently Amended) The method of claim 1 ~~wherein the avatar animation that graphically conveys the context of the first user comprises~~ communicating, independently of the first user and the second user, the out-of-band information to the second user by changing an animation of the avatar representing the first user comprises communicating, independently of the first user and the second user, the out-of-band information to the second user by initiating movement of a body of the avatar.

33.   (Previously Presented) The method of claim 1 wherein communicating the out-of-band information further comprises changing the avatar to present sounds.

34.   (Original) The method of claim 33 wherein at least some of the sounds comprise a voice based on a voice of the first user.

35.   (Previously Presented) The method of claim 1 wherein the avatar animation that graphically conveys the context of the first user comprises a breakout animation that involves displaying avatar outside of normal display space occupied by the avatar

36.   (Original) The method of claim 35 wherein the breakout animation comprises telescoping the avatar.

37. (Original) The method of claim 35 wherein the breakout animation comprises resizing the avatar.

38. (Original) The method of claim 35 wherein the breakout animation comprises repositioning the avatar.

39. (Original) The method of claim 1 further comprising

providing the first user with multiple preconfigured avatars having associated preselected animations; and

enabling the first user to select a particular avatar to represent the user in the communications session.

40. (Original) The method of claim 39 further comprising persistently associating the first user with the selected avatar to represent the first user in subsequent communication sessions.

41. (Original) The method of claim 39 further comprising enabling the first user to modify the appearance of the avatar.

42. (Original) The method of claim 41 wherein enabling the first user to modify the appearance of the avatar comprises enabling the first user to use a slide bar to indicate a particular modification of a particular feature of the avatar.

43. (Original) The method of claim 41 wherein enabling the first user to modify the appearance of the avatar comprises enabling the first user to modify appearance of the avatar to reflect a characteristic of the first user.

44. (Original) The method of claim 43 wherein the characteristic of the first user comprises one of age, gender, hair color, eye color, or a facial feature.

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45. (Original) The method of claim 41 wherein enabling the first user to modify the appearance of the avatar comprises enabling the first user to modify appearance of the avatar by adding, changing or deleting a prop displayed with the avatar.

46. (Original) The method of claim 45 wherein the prop comprises one of eyeglasses, sunglasses, a hat, or earrings.

47. (Original) The method of claim 1 further comprising enabling the first user to modify a trigger used to cause an animation of the avatar.

48. (Original) The method of claim 47 wherein the trigger comprises text included in the message sent from the first user to the second user.

49. (Original) The method of claim 1 further comprising animating the avatar for use as an information assistant to convey information to the first user.

50. (Original) The method of claim 1 further comprising enabling use of the avatar by an application other than a communications application.

51. (Original) The method of claim 50 wherein enabling use of the avatar by an application other than a communications application comprises enabling use of the avatar in an online journal.

52. (Original) The method of claim 1 further comprising displaying a depiction of the avatar in the form that is substantially similar to a trading card.

53. (Original) The method of claim 52 wherein the trading card depiction of the avatar comprises a trading card depiction of the avatar that includes characteristics associated with the first user.

54.   (Currently Amended) A computer-readable medium having embodied thereon a computer program configured to communicate, the medium comprising one or more code segments configured to:

graphically represent, with an avatar capable of being animated, a first user in a communication session involving the first user and a second user;

communicate a message between the first user and the second user, the message conveying explicit information from the first user to the second user;

receive, independently of the first user and the message, out-of-band information indicating a context of the first user; and

communicate, ~~based on stored data associations~~ independently of the first user and the second user, the out-of-band information to the second user by changing an animation of the avatar representing the first user to graphically convey the context of the first user indicated by the received out-of-band information,

wherein the out-of-band communication differs from the information conveyed in the message sent between the first user and the second user.

55.   (Original) The medium of claim 54 wherein the communication session is an instant messaging communication session.

56.   (Original) The medium of claim 54 wherein the out-of-band information comprises information indicating an environmental condition associated with the first user.

57.   (Currently Amended) The medium of claim 54 wherein ~~the out-of-band information comprises~~ the one or more code segments are further configured to:

receive, independently of the first user and the message, out-of-band information indicating a context of the first user by receiving, independently of the first user and the message, information indicating a personality characteristic associated with the first user, and

communicate, independently of the first user and the second user, the out-of-band information to the second user by changing an appearance of the avatar to reflect the personality

characteristic associated with the first user in order to graphically convey the personality

characteristic associated with the first user.

58.   (Currently Amended) The medium of claim 54 wherein ~~the out-of-band~~

~~information comprises~~ the one or more code segments are further configured to:

receive, independently of the first user and the message, out-of-band information

indicating a context of the first user by receiving, independently of the first user and the message,

information indicating an emotional state associated with the first user, and

communicate, independently of the first user and the second user, the out-of-band

information to the second user by changing an appearance of the avatar to reflect the emotional

state associated with the first user in order to graphically convey the emotional state associated

with the first user.

59.   (Original) The medium of claim 54 wherein the out-of-band information

comprises information indicating a setting characteristic associated with the first user.

60.   (Currently Amended) The medium of claim 54 wherein ~~out-of-band information~~

~~comprises~~ the one or more code segments are further configured to:

receive, independently of the first user and the message, out-of-band information

indicating a context of the first user by receiving, independently of the first user and the message,

information related to a mood of the first user, and

communicate, independently of the first user and the second user, the out-of-band

information to the second user by changing an appearance of the avatar to reflect the mood of the

first user in order to graphically convey the mood of the first user.

61.   (Currently Amended) The medium of claim 54 wherein ~~out-of-band information~~

~~comprises~~ the one or more code segments are further configured to:

receive, independently of the first user and the message, out-of-band information

indicating a context of the first user by receiving, independently of the first user and the message,

information associated with an activity of the first user, and

communicate, independently of the first user and the second user, the out-of-band information to the second user by changing an appearance of the avatar to reflect the activity of the first user in order to graphically convey the activity of the first user.

62.   (Original) The medium of claim 54 further comprising enabling the first user to modify a trigger used to cause an animation of the avatar.

63.   (Currently Amended) A system for communicating, the system comprising a processor connected to a storage device and one or more input/output devices, wherein the processor is configured to:

graphically represent, with an avatar capable of being animated, a first user in a communication session involving the first user and a second user;

communicate a message between the first user and the second user, the message conveying explicit information from the first user to the second user;

receive, independently of the first user and the message, out-of-band information indicating an activity of the first user; and

communicate, based on stored data associations independently of the first user and the second user, the out-of-band information to the second user by animating the avatar to graphically perform the activity of the first user indicated by the received out-of-band information,

wherein the out-of-band communication differs from the information conveyed in the message sent between the first user and the second user.

64.   (Original) The system of claim 63 wherein the communication session is an instant messaging communication session.

65.   (Previously Presented) The system of claim 63 wherein the out-of-band information comprises information indicating that the first user is listening to music.

66.   (Previously Presented) The system of claim 63 wherein the avatar is animated to wear headphones.

67.   (Previously Presented) The system of claim 63 wherein the out-of-band information comprises information indicating that the first user is working.

68.   (Previously Presented) The system of claim 63 wherein the avatar is animated to wear business attire.

69.   (Canceled)

70.   (Canceled)

71.   (Original) The system of claim 63 further comprising enabling the first user to modify a trigger used to cause an animation of the avatar.

72.   (Currently Amended) A system for communicating, the system comprising:

means for graphically representing, with an avatar capable of being animated, a first user in a communication session involving the first user and a second user;

means for communicating a message between the first user and the second user, the message conveying explicit information from the first user to the second user;

means for receiving, independently of the first user and the message, out-of-band information indicating an activity of the first user; and

means for communicating, based on stored data associations independently of the first user and the second user, the out-of-band information to the second user by animating the avatar to graphically perform the activity of the first user indicated by the received out-of-band information,

wherein the out-of-band communication differs from the information conveyed in the message sent between the first user and the second user.

73-75. (Cancelled)

76.   (Previously presented) The method of claim 1, wherein the graphically representing comprises graphically representing a background display associated with the avatar.

77.   (Previously presented) The method of claim 1, wherein the out-of-band information comprises information associated with an activity of the first user determined based on user interaction with a computer application occurring during a time when the message is communicated between the first user and the second user.

78.   (Previously presented) The method of claim 1, further comprising:
        determining whether to change the avatar appearance or avatar animation to communicate the received out-of-band information based on other out-of-band information received independently of the first user and the message.

79.   (Previously presented) The medium of claim 54, further comprising one or more code segments configured to graphically represent a background display associated with the avatar.

80.   (Previously presented) The medium of claim 54, wherein the out-of-band information comprises information associated with an activity of the first user determined based on user interaction with a computer application occurring during a time when the message is communicated between the first user and the second user.

81.   (Previously presented) The medium of claim 54, further comprising one or more code segments configured to:
        determine whether to change the avatar appearance or avatar animation to communicate the received out-of-band information based on other out-of-band information received independently of the first user and the message.

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82. (Previously presented) The system of claim 63, wherein the processor is further configured to graphically represent a background display associated with the avatar.

83. (Previously presented) The system of claim 63, wherein the out-of-band information comprises information associated with an activity of the first user determined based on user interaction with a computer application occurring during a time when the message is communicated between the first user and the second user.

84. (Previously presented) The system of claim 63, wherein the processor is further configured to:

determine whether to change the avatar appearance or avatar animation to communicate the received out-of-band information based on other out-of-band information received independently of the first user and the message.

85. (Previously Presented) The method of claim 20, wherein the activity is being performed by the first user at the same time that the out-of-band message is communicated from the first user to the second user.

86. (Previously Presented) The method of claim 1 further comprising displaying a depiction of the avatar in a form that is similar to a trading card.

87. (New) The method of claim 1 wherein communicating, independently of the first user and the second user, the out-of-band information to the second user by changing an animation of the avatar representing the first user to graphically convey the context of the first user indicated by the received out-of-band information comprises communicating, independently of the first user and the second user, the out-of-band information to the second user by changing an animation of the avatar representing the first user to graphically convey the context of the first user indicated by the received out-of-band information based on stored data associations.

88.   (New) The method of claim 1 wherein receiving, independently of the first user and the message, out-of-band information indicating a context of the first user comprises:

receiving visual information from a camera focused on the first user;

determining, based on the received visual information, location of points on a face of the first user.

89.   (New) The method of claim 88 wherein communicating, independently of the first user and the second user, the out-of-band information to the second user by changing an animation of the avatar representing the first user to graphically convey the context of the first user indicated by the received out-of-band information comprises animating a facial expression of the avatar to correspond with a position or a motion of the determined location of points on the face of the first user.